

Alexandria Gazette

VOL. XCVI.--NO. 239.

ALEXANDRIA, VA., TUESDAY EVENING, OCTOBER 8, 1895.

PRICE 2 CTS.

Alexandria Gazette.

PUBLISHED DAILY AND TRI-WEEKLY AT
Gazette Building, 310 & 312 Prince st.
Daily one year, \$6; six months \$3; one month 50 cents.
Tri-weekly one year \$4; six months \$2; three months \$1.
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(Entered at the Postoffice at Alexandria, Virginia, as second-class matter.)

INTERESTING DECISIONS.

The following were among the decisions rendered by the Court of Appeals last week, brief mention of which has heretofore been made:

Barton's Executor vs. Ridgeway's Administrator, etc. From the Circuit Court of Frederick county. Reversed. Opinion by Judge R. H. Cardwell. D. W. Barton was appointed by a decree of the Circuit Court of Frederick county, November 14, 1891, a receiver in the suit of Stephens vs. Ridgeway, et al., and directed to collect a certain fund, and after paying therefrom costs and expenses, have the remainder forthcoming at the next term (March 1893), subject to such order as the court should then make. The fund was collected and deposited by him in a bank at Winchester, to the credit of Barton & Williams, the law firm of which he was a member, and to the credit of which account all fiduciary funds received by either member of the firm were deposited, each member having a private account in the same bank, to which their private or personal funds were deposited. In March, 1892, the federal troops entered Winchester, and the bank fled, with its assets, to Falmville, where it remained until the close of the war, where there was a failure or collapse, and the fund in this case, along with all other funds in the bank, perished. There was no term of the court in March, 1892, and no term for the transaction of the business of the court until after the war. Barton, the receiver, died in July, 1893, and there was to the credit of this law firm, when the bank failed, about \$15,000, including the fund received by him as receiver, amounting to about \$2,800. In 1888, R. S. Ridgeway, a defendant to the original suit, formally filed his petition, claiming one-half of the fund, that had gone into the hands of Barton, and has lost by the failure of the bank, and seeking to hold Barton's estate and that of his surety-bond for the money lost; but no report was made on the claim until July, 1895, when the Circuit Court decreed in favor of Ridgeway. This court on appeal from that decree holds: That the just, equitable, and humane rule, deducible from the reasoning in the case of Elliott vs. Carter (9th Grant), and other cases applicable to the case here, by which a fiduciary's liability is to be determined, is, that where it does not appear that the fiduciary could, and ought to, have done something other than he did, the neglect of which resulted in the loss of the fund entrusted to him, he should not be held responsible, and that by this rule, applying, as it does, with all its force, to this case, the estate of Barton, the receiver, cannot be held responsible for the loss of the fund by the failure of the bank.

Cahoone, Treasurer, vs. McCulloch. From the Circuit Court of Botetourt county. Reversed. Opinion by Judge John W. Reilly. The Treasurer of Botetourt county made a motion in the County Court against his predecessor in office and the sureties on his official bond to recover judgment against them for the amount due by the late Treasurer on account of county levies which he had collected. Upon hearing of the motion at the May term, 1894, of the County Court, the late Treasurer confessed a judgment in open court for the sum of money claimed, and at the instance of the sureties the motion was continued as to them until the next term. Upon the trial at the next term, and before the jury retired from the bar, the plaintiff suffered a non-suit. He afterwards renewed his motion in the Circuit Court, where he was met by the plea of the defendants that the cause of action was merged in the judgment confessed by their principal on the former motion in the County Court. The plaintiff demurred to the plea, but the Circuit Court overruled the demurrer and dismissed the motion. The court reversed the judgment of the Circuit Court, and held that the judgment against the principal did not merge the cause of action against the sureties, and that the Circuit Court erred in not sustaining the demurrer to the plea instead of overruling it.

George W. Surwick vs. Valley Mutual Life Association, etc. From the Corporation Court of the city of Staunton. Affirmed. Opinion by Judge J. A. Buchanan. In this case the Court held that parties have the right to agree that notice shall be given for assessments, and if the agreement be that notice may be given by mail, it is sufficient to prove the mailing, although the party may never receive the notice, and failure to pay the assessment within the time prescribed gives the company the right to declare the policy forfeited. Where the company has declared the policy forfeited for the non-payment of such assessment, and there is nothing in the practice of the company and its course of dealing with the insured and others, and known to him, such as to induce the belief that so much of his contract as provided for the forfeiture, for the non-payment of such assessment, would not be insisted upon, a court of equity has no power to set aside the forfeiture and reinstate the policy. Where the contract between the parties provides that, no question shall be raised as to the right to make, or the necessity of making, any mortality assessment, except in the lifetime of the member, or within six months

from the time when the assessment was made, and not then, unless such assessment shall have been paid within thirty days from the date of the notice in person, or from the date of mailing the notice to the address of the member, no question can be raised as to the right of the defendant company to make such assessment, or the necessity for making it, unless it is raised within the time prescribed, and the conditions upon which it can be raised have been complied with.

Crawford's administrator vs. Smith's administrator and others. From the Circuit Court of Clarke county. Reversed. Opinion by Judge Buchanan. Held—That money received by the next of kin, as distributees of a deceased person, who was supposed to have died intestate, must be accounted for to the decedent's estate by such persons upon the discovery of his will. And slaves received under the same circumstances, so far as they have been sold, by the next of kin, must be accounted for at the price for which they sold them, although the slaves would have been emancipated by the result of the war between the States; but slaves not sold are not to be accounted for. In cases of mutual mistake the parties to such mistake are not affected by the lapse of time, or, generally speaking, by anything done or omitted to be done, so long as they remain, without any fault of their own, in ignorance of the mistake which has been committed. Where money has been paid and received under a mutual mistake of fact, and no fraud or misconduct can be imputed to any party, interest will not be allowed, except from the time when the mistake was discovered and demand made.

CIGARS AND TOBACCO.

THE POPULAR CIGARETTE

VIRGINIA BRIGHTS

MILD AND PURE

MANUFACTURED BY ALLEN & GINTER

THE AMERICAN TOBACCO CO. SUCCESSORS.

MEDICINAL.

DIRECTIONS FOR USING CREAM BALM.

Apply a particle of the Balm well up into the nostrils. After a moment draw a strong breath through the nose. Use three times a day, after meals preferred, and before retiring.

ELY'S CREAM BALM opens up the COLD IN THE HEAD, cleanses the Nasal Passages, Alleviates Pain and Inflammation, Heals the Sores, Protects the Membrane from Colds, Restores the Senses of Taste and Smell. The Balm is quickly absorbed and gives relief at once. Price 50 cents at Druggists or by mail.

ELY BROTHERS, 65 Warren street, New York.

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FOR THE TREATMENT OF ALL DISEASES. Trained nurses in attendance, experienced in the use of electricity and massage. There is also a fully equipped LYING-IN DEPARTMENT, where patients are guaranteed strict privacy. For particulars address HAUGHTON BAXLEY, M. D., 300 E. Twenty-first street, Baltimore, Md.

OYSTERS.

JAS. E. MCKINNEY & CO.,

Wholesale and Retail Dealers in

OYSTERS,

N. W. cor. Prince and Royal sts., Alexandria.

Country and city orders solicited and promptly filled. oct2 tjan1

FINEST OYSTERS.

Direct from the Chesapeake Bays.

The very best stock and the finest flavored always on hand. Orders from the country promptly filled and satisfaction guaranteed.

ANDREW DELLA,

oct1 3m 307 PRINCE STREET.

Alexandria, Va., June 1, 1895. ESTABLISHED 1844.

Geo. B. CARLIN, JAS. F. CARLIN

WORTH HULFISH.

JAS. F. CARLIN'S SONS & CO.,

Dealers in

HARDWARE, CUTLERY, GUNS, BUILDERS' AND MECHANICS' SUPPLIES, NAILS, HORSESHOES, BAR IRON, BARB WIRE, AND BALE TIES, WAGON MATERIAL.

315 KING ST. - ALEXANDRIA, VA.

JUST RECEIVED A LOT OF SWEET ORE & CO.'S CELEBRATED OVERALLS AND JACKETS; warranted not to rip.

A. C. SLAYMAKER.

ANOTHER REDUCTION—Mason's Pint Jars 50c; Quart Jars 60c; and Half-gallon Jars 75c per dozen at

J. C. MILBURN'S.

CANDIDATES.

TO THE DEMOCRATIC VOTERS OF THE 14TH SENATORIAL DISTRICT:

I respectfully announce myself a candidate for reelection to the State Senate. My record in that body during the past four years is before you like an open book. I supported or opposed men and measures according to my conception of the best interests of the people I represented, and have no regrets on that score. Upon my return from a trip necessarily undertaken I will make haste to render an account to my constituents and confront my critics if there be any.

GEORGE A. MUSHBACH.

LEGAL.

TO ALEXANDER MCKERCHER IN HIS OWN RIGHT, AND THE TRUSTEES, BETTIE MCKERCHER HIS WIFE, DUNCAN MCKERCHER, ROBERT A. MCKERCHER, JOHN MCKERCHER, MAGGIE MCKERCHER, ISABELLA MCKERCHER, LIZZIE BONAR and ROBERT BONAR her husband, Mary Halley and ——— Halley her husband, James Patterson, J. M. Hill, E. M. Hill, Alexandria Gentlemen's Driving Club and the Virginia Jockey Club— You will please take notice that the undersigned commissioners appointed by the County Court of Alexandria county, Virginia, to ascertain a just compensation to the owners of land upon the line of improvements within the county of Alexandria, Virginia, to be taken by the Washington, Alexandria and Mount Vernon Electric Railway Company for its purposes, will meet upon the lands whereof you are tenants of the freehold, in said county, on the 4TH DAY OF NOVEMBER, 1895, at 10 o'clock a. m., to ascertain the compensation to be paid to you by the said company for so much of the said lands in said county proposed by the said company to be taken for its purposes.

JOHN ROBERTSON, JOHN W. SLATER, ROBERT WALKER, Comm'rs.

oct5 td

TO CHARLES ALEXANDER'S HEIRS, WHOSE NAMES ARE UNKNOWN— You will please take notice that the undersigned commissioners appointed by the County Court of Alexandria county, Virginia, to ascertain a just compensation to the owners of land upon the line of improvements within the county of Alexandria, Virginia, to be taken by the Washington, Alexandria and Mount Vernon Electric Railway Company for its purposes, will meet upon the lands whereof you are tenants of the freehold, in said county, on the 4TH DAY OF NOVEMBER, 1895, at 10 o'clock a. m., to ascertain the compensation to be paid to you by the said company for so much of the said lands in said county proposed by the said company to be taken for its purposes.

JOHN ROBERTSON, JOHN W. SLATER, ROBERT WALKER, Comm'rs.

oct1 td

TO WASHINGTON HYDRAULIC PRESS BRICK COMPANY— You will please take notice that the undersigned commissioners appointed by the County Court of Alexandria county, Virginia, to ascertain a just compensation to the owners of land upon the line of improvements within the county of Alexandria, Virginia, to be taken by the Washington, Alexandria and Mount Vernon Electric Railway Company for its purposes, will meet upon the lands whereof you are tenants of the freehold, in said county, on the 1ST DAY OF NOVEMBER, 1895, at 10 o'clock a. m., to ascertain the compensation to be paid to you by the said company for so much of the said lands in said county proposed by the said company to be taken for its purposes.

JOHN ROBERTSON, JOHN W. SLATER, ROBERT WALKER, Comm'rs.

oct1 td

NOTICE.

Having qualified as administrator of the estate of ALICE GREEN, deceased, I hereby give notice to all persons indebted to the estate to come forward and make settlement, and those having claims will present them duly authenticated.

WM. H. SMITH, Administrator.

oct5 1m

NOTICE.—Having qualified as administrator of LUCY F. FAWCETT, deceased, I hereby give notice to all persons indebted to the estate to come forward and make settlement. Those having claims will present them, properly authenticated.

EDWARD S. FAWCETT.

sep19 1m

DRY GOODS.

A. C. SLAYMAKER,

Successor to

A. B. SLAYMAKER,

429 King Street.

Is now opening a full and carefully selected stock of

DOMESTIC DRY GOODS, NOTIONS, UNDERWEAR AND FURNISHING GOODS.

for the Fall. Best values at lowest prices. A trial would be greatly appreciated.

CONFECTIONERY.

THE GEO. R. HILL CO.,

AT TEMPORARY QUARTERS,

N. W. Corner King and Lee Streets,

Alexandria, Va.,

Is prepared to fill ORDERS, and will gratefully appreciate the favors of the trade.

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NEAR ALEXANDRIA, VA.

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B. H. JENKINS,

DEALER IN CHOICE

FAMILY GROCERIES

S. E. COR. DUKE AND FAIRFAX STS.

Everything first-class. A large stock of the higher grades of canned goods. All sorts of fresh, salted, and smoked meats specialties. His brand of SMOKED HAMS is unequalled. A first-class grocery in every particular, and where the best can be found at moderate prices.

mh1

FIRE EXTINGUISHERS!

We, the undersigned, have tested the CO-OPERATIVE FIRE EXTINGUISHER and it did the work in a quick and most satisfactory manner. We can recommend them to put out fires caused by the igniting of Tar, Gasoline, Coal Oil, etc. We would not be without them. Alexandria Fertilizer and Chemical Company, 117 King st. n. w., Alexandria, Va. S. E. Leadbeater & Sons, J. H. D. Smoot & Son, F. L. Entwistle, Chas. Pickin and C. O. Pulman.

Can be seen in Weedon & Bro's window.

For Sale By

C. L. B. CLARK, Agent,

sed26 1m 230 South Fairfax Street.

BALE TIES for Baling Hay.

JAS. F. CARLIN'S SONS & CO.

AMUSEMENTS.

NEW OPERA HOUSE.

ONE SOLID WEEK,

COMMENCING

MONDAY, OCTOBER 7TH,

Special Engagement of the Little Queen of Comedy,

MABEL PAIGE,

AND AN

UP-TO-DATE COMPANY,

TUESDAY NIGHT

LA BELLE MARGUERITE.

POPULAR PRICES:

10, 20 AND 30 CENTS.

LADIES FREE MONDAY NIGHT

accompanied by a person holding one paid 30-Cent Ticket. oct1 6t

REAL ESTATE, &c.

M. B. HARLOW & CO.,

Real Estate Loan & Insurance Brokers,

NO. 107 S. ROYAL STREET.

CHEAP HOMES.

House and Lot, Cameron and Patrick streets, southwest corner. Price \$3,000. Easy payments.

Store and Dwelling southwest corner Queen and Pitt streets. Price \$1,900.

Snug New Six-room and Bath Frame House; on line of electric cars; bay window and porch; fine yard. Only \$1,300. On easy terms.

Columbus street, near Christ Church; gilt edge location. Brick House, Six Rooms, Lot 17 feet 10 inches by 96 1/2 feet to a 20 foot court. Price only \$4,150. This is a bargain. Call at once.

House and Lot, 403 North Henry street. Four rooms. Lot 17x100 feet to a 10-foot alley. Very cheap at \$675.

Frame House, Six Rooms, Duke street, near Patrick. Lot 16x100 feet to a 4-foot side alley, and 10-foot rear alley. Price \$900.

Northeast corner of Queen and Columbus streets. Lot 21x80 1/2. Three-story Brick, Eleven Rooms and Bath. Price \$3,150. One-half cash. Balance to suit.

CHEAP LOTS.

One of the most desirable Lots in the city. Cameron street, near Christ Church, 45x90. Price \$3,000.

Four nicely situated Lots on Payne street, between Pendleton and Wythe streets. Price \$150. Cash \$25, \$1 per week. Size 18x90 feet.

Patrick street, near King, Two Lots, 17 1/2 x 107 feet, each \$900.

Duke street, near Patrick. Lot 16x100 feet. Good old Frame House on it; \$750.

Prince street, near Alfred. Lot 25x100 feet to an alley. Improved by two small Brick Houses, \$1,400.

King street, near West. Lot 51x100 feet to an alley; \$1,200.

A good Lot on Royal street, between Wilkes and Gibson streets, 40x115. Price \$600.

Five splendid Building Lots; 20-24 St. Asaph street between Queen and Princess, \$600 each. Very easy terms.

BOOTS AND SHOES.

WORLD BEATERS.

KAUFMAN.

3000 Men's Silk Scarfs At 10c, worth 25c.

20 dozen Boys' School Hats 19c.

50 dozen Towels 44x20 size; strictly linen, worth 39c. Our Price 15c.

SEE OUR LADIES' RUBBER and BLACK OXFORDS, 50 & 60c.

BOYS' SCHOOL WAISTS 18c.

BOYS' SCHOOL SHOES 98c.

25 Gross Fine TOILET SOAP 2c a Cake.

ALL SUMMER GOODS MUST GO AT A SACRIFICE TO MAKE ROOM FOR FALL GOODS.

MEETINGS.

OFFICE OF HASKIN VULCANIZING COMPANY OF WASHINGTON, D. C.— Alexandria, Va., October 2nd, 1895.

A special meeting of the stockholders of the Haskin Vulcanizing Company, of Washington, D. C., will be held at the office of the company, in Alexandria, Va., SATURDAY, November 2nd, 1895, at 3 o'clock p. m. By order of the Directors.

T. L. HOLBROOK, President, &c.

CHINA AND GLASSWARE.

Hot Weather

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E. J. MILLER & CO.

NO. 317 KING STREET.

A LARGE and Handsome Assortment of NECKWEAR in Tees, Four-in-Hands, Bows and Ties, latest shapes; just from the factory; at

A. C. SLAYMAKER'S,

Successor to Amos B. Slaymaker.

A CASE OF SEAMLESS HALF-HOSE, the best ever offered for the money, 4 pairs for 25c; just received at

A. C. SLAYMAKER'S,

Successor to Amos B. Slaymaker.

A FULL ASSORTMENT OF WOOL FLANNELS at

A. C. SLAYMAKER'S,

Successor to Amos B. Slaymaker.

BUGGY WHEELS, Steel Tires, Locust Wagon Hubs, Bent Rims, Oak and Hickory Spokes. Good stock. Satisfaction guaranteed in quality and price.

JAS. F. CARLIN'S SONS & CO.

DOMESTIC SEWING MACHINES, with all necessary attachments, for sale at reduced prices by

E. S. LEADBEATER & SONS.

CORSETS, best makes, at 39c, 50c, 75c and \$1, at

A. C. SLAYMAKER'S.

FOR SALE OR RENT.

FOR SALE—BUILDING LOTS.— TWO LOTS, 16x74 feet, on Queen street, between Payne and West streets, \$250 each. TWO LOTS, 16x115 feet, on West street, between Queen and Princess streets, \$250 each; alley in rear; water, gas and electric light. Cheapest lots in that section.

ROBT. J. THOMAS,

oct2 1m 316 N. Washington street.

FOR SALE—Separately or together FOUR MODERN SIX-ROOM BRICK HOUSES, Nos. 419, 421, 423 and 425 south Washington street. Pantry, Linen Closet, and Bath. Hot and Cold Water. Or will rent Nos. 419 and 421. Apply to

ROBT. J. THOMAS,

oct2 1m 316 N. Washington street.

FOR SALE—RESIDENCE 616 Prince street, 13 rooms with offices and out-buildings; 62 feet on Prince street, 100 feet on Washington street.

Also adjoining above premises, in rear of Baptist Church, LOT 47x67 feet, with Stable, Carriage House and portion of an ICE HOUSE.

MORGAN H. BEACH,

344 D Street, n. w., Washington, D. C. sep3 1t

FOR RENT.

BRICK HOUSE, No. 607 Queen street; modern improvements. Possession given October 1st. **W. P. WOOLLS & SON,** sep18 1t

FOR SALE.

Duke street, between Royal and Pitt streets—a bargain—13-ROOM BRICK HOUSE, lot 55 1/2 x 110 feet; side alley; lovely location; price for a few days \$3,500; easy terms.

Fine corner residence—17-ROOM BRICK HOUSE; lot 59 1/2 x 120 feet; lovely side-yard; beautiful shade trees; choice location; price \$7,700; terms easy.

M. B. HARLOW & CO.

FOR SALE.

Northwest corner Duke and Patrick streets, LOT 82x88 feet, improved by TWO BRICK and one small FRAME DWELLING. Water and gas. Vacant lot contains 3,695 square feet. Apply to

R. H. HAVENER,

oct2 1t Executor.

FOR SALE.

ONE HUNDRED AND TWENTY ACRES OF LAND, 2 1/2 miles from Alexandria, Va., beautiful situation. Would make a nice dairy and truck farm. Small cash payment, rest on long time payments, bearing 6 per cent interest.

R. F. KNOX,

216 King street, Alexandria, Va.

FOR RENT.

The WHARF PROPERTY at the foot of King street, known as Irvin's wharf. The wharf will be put in thorough repair if a responsible tenant can be secured. Apply to

M. B. HARLOW & CO.,

No. 107 south Royal street, Alexandria, Va. aug19

TURF.

VIRGINIA Jockey Club.

SPRING MEETING, 1895.

OPENING DAY:

Monday, March 18th.

RACING EVERY MONDAY, WEDNESDAY AND FRIDAY UNTIL FURTHER NOTICE.

ALL THE HIGHEST CLASS HORSES WILL TAKE PART.

SIX RACES EACH DAY, COMMENCING AT 1:45 P. M.

SPECIAL RACE TRAINS direct to Driving Park will leave every hour

ADMISSION:

Grand Stand and Paddock.....75c

Grand Stand.....50c

Objectionable characters will be positively excluded.

E. E. DOWNHAM, President.

HENRY SCHULTZE, Secretary.

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Coal! Coal!

COAL AND WOOD UNDER COVER.

Now is the time to order your COAL. We are selling COAL for less than it has been for 10 years. We have elevators with screens attached. Can give you the BEST CLEANSING COAL, 2240 pounds to the ton, at the LOWEST MARKET PRICES.

(See corner Fairfax and Duke streets. Wharf and Yard, Strand between Duke and Prince streets.)

Phone—No. 95

DEW. AITCHESON.

aug7 2m

COAL! COAL!

WHITE AND RED ASH, SHAMOKIN and LYKEN'S VALLEY.

From the famous mines of the

SUSQUEHANNA COAL COMPANY